1952.

File No. B Presidency ~~Small~~
Cause Courts/52
Legal Department
B **BRANCH**

Subject:—

L. A. Bill No XVI of 1952

The presidency small cause courts

(Bombay amendment)

Bom. Act. No XVII of 1952

P 13

File No. B Presidency Small Cause Courts/52

914B

OFFICE OF THE A.L.A.

A tentative draft Bill is sent herewith.

Clause 1(2) of the draft Bill.- Under this provision it will be possible for the State Government to fix the date on which the Act will come into force in advance so that the public and the Courts concerned will have sufficient notice.

Clause 3.- This is intended to make consequential amendments in section 20 of the Act.

Clause 4.- Section 22 of the Act has been amended by section 3 of Bom. XLIV of 1948. The proposed amendment is consequential.

Clause 5.- This amendment also is of a consequential nature. It will be necessary to amend the Fourth Schedule to the Act suitably. The Home Department may suggest the necessary amendment in the ~~Present~~ Forurth Schedule.

The subject-matter of the Bill falls under entries 3 and 65 in List II and entries 13 and 46 in List III in the Seventh Schedule to the Constitution of India. The Bill does not require any sanction or recommendation. The Bill, however, requires the administrative approval of the Government of India before publication. After the Bill is passed it will have to be reserved for the consideration of the President with reference to article 254(2) of the Constitution.

Id/- J.M.D. 11/9

Remembrancer of Legal Affairs.

U.O. to H.D. No.14521, dated the 12th September 1951.

KAM/27-6.
4 c.

6

Legal Department.

As already pointed out in R.L.A's opinion No. I 14521, dated the 12th September 1951 at page 59 ante, the only addition required in the draft Bill is to incorporate the necessary amendment to the Fourth Schedule of the Act. A revised draft Bill is accordingly sent herewith. Clause 7 contains the amendment required in the Fourth Sechedule. Home Department should verify, if necessary in consultation with the Chief Judge, Court of Small Causes, if the scale of process fees now added to the Fourth Schedule is suitable.

Id/- J.R.D. 16/2

Additional Secretary to Government.

U.R. to H.D. No.2621, dated the 12th February 1952.

KAH/27-6.
4 c.

No. G.S. 2410

From

Shri S.B.Kulkarni I.A.S.,
SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to the Bombay Legislature Department,
Council Hall, Poona 1.

Subject:- The Bombay Small Cause Courts (Bombay Amendment) Bill, 1952.

RAJ BHAVAN,

GANESHKHIND, POONA, 7. August 7, 1952.

Sir,

I Referring to the Presidency Small Cause Courts (Bombay Amendment) Bill, 1952, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on June 26 and July 17, 1952, respectively, I am directed to state, for the information of the Speaker and the Chairman that as the provisions of the Bill are repugnant to the provisions of the Presidency Small Cause Courts Act, 1882, which is an existing law relating to entry 46 read with entry 13 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President, vide Article 254(2) of the Constitution of India. The Governor has accordingly been pleased under Article 200 of the Constitution to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

Sd. S.B.Kulkarni,
Secretary to the Governor.

NO. GS.2411

Governor's Secretary's Office,
Raj Bhavan, Ganeshkhind, Poona 7,
August 7, 1952.

Copy forwarded with compliments for information to the Additional Secretary to the Government of Bombay, Legal Department, with reference to his letter No.268-L dated July 31, 1952.

Sd/- S.B.Kulkarni
Secretary to the Governor.

KAN/27-6.
4 c.

No. GS.2603

From

The SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,
Legal Department.

Subject: The Presidency Small Cause Courts (Bombay Amendment) Bill, 1952.

Raj Bhavan,

GANESHKHIND, Poona 7,

August 29, 1952.

Sir,

In continuation of this office letter No.GS. 2603 of August 25, 1952, on the above mentioned subject, I am directed to forward herewith the authentic copy of the Presidency Small Cause Courts (Bombay Amendment) Bill, 1952, with the President's assent signified thereon.

Yours faithfully,

Sd/- S.B.Kulkarni

Secretary to the Governor.

KAN/27-6.
4 c.

ACTS.

Publication of the Presidency, Small Cause Courts (Bombay Amendment) Act, 1952.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 14074
Bombay Castle, 29th August 1952.

Letter to the Secretary to the Governor, No.2603-L, dated the 31st July 1952.

Letter from the Secretary to the Governor, No. GS. 2608, dated the 25th August 1952:

"In continuation of this office endorsement No.GS. 2411, dated August 7, 1952, on the above subject, I am to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Presidency Small Cause Courts (Bombay Amendment) Bill, 1952, on August 22, 1952".

RESOLUTION:- The Law should be published as Bombay Act No.XVII of 1952 in the Bombay Government Gazette, dated the 29th August 1952.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay,

S.W. Dhurandhar,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department and 10 copies to the Home Department,

The Home Department,
The Examiner of Books and Publications,
The Director of Publicity, Bombay,
The Liaison Officer for the Secretariat Bombay
} with a copy of the Act.

* With four extra copies of the Act.

KAN/27-6.
4 c.

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

MONDAY, 2ND JUNE 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XVI OF 1952.

A Bill to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1952.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

XV of 1882.

Amendment of section 18 of Act XV of 1882.

2. In section 18 of the Presidency Small Cause Courts Act, 1882 (hereinafter called the said Act), for the words " two thousand rupees ", wherever they occur, the words " three thousand rupees " shall be substituted.

Amendment of section 20 of Act XV of 1882.

3. In section 20 of the said Act, for the words "two thousand rupees", wherever they occur, the words "three thousand rupees" shall be substituted.

Amendment of section 22 of Act XV of 1882.

4. In section 22 of the said Act, in clause (c), for the words "two thousand rupees" the words "three thousand rupees" shall be substituted.

Amendment of section 41 of Act XV of 1882.

5. In section 41 of the said Act, for the words "two thousand rupees" the words "three thousand rupees" shall be substituted.

Amendment of section 92 of Act XV of 1882.

6. In section 92 of the said Act, for the words "State Government" the words "High Court" shall be substituted.

Amendment of Fourth Schedule to Act XV of 1882.

7. In the Fourth Schedule to the said Act, the following entries shall be added at the end, namely :—

"2,000	2,100	4 10 0	15 8 0
2,100	2,200	4 12 0	16 0 0
2,200	2,300	4 14 0	16 8 0
2,300	2,400	5 0 0	17 0 0
2,400	2,500	5 2 0	17 8 0
2,500	2,600	5 4 0	18 0 0
2,600	2,700	5 6 0	18 8 0
2,700	2,800	5 8 0	19 0 0
2,800	2,900	5 10 0	19 8 0
2,900	3,000	5 12 0	20 0 0"

STATEMENT OF OBJECTS AND REASONS.

The pecuniary jurisdiction of the Presidency Small Cause Court is limited to Rs. 2,000 under section 18 of the Presidency Small Cause Courts Act, 1882. It has been suggested that in the present changed circumstances this jurisdiction should be raised to Rs. 3,000. The Provincial Small Cause Courts Act, 1887, was amended recently by Government so as to raise the jurisdiction of the mofussil Small Cause Courts from Rs. 1,000 to Rs. 2,000. Government has also increased the pecuniary jurisdiction of Civil Judges, Junior Division, from Rs. 5,000 to Rs. 10,000. In view of this, Government has accepted the suggestion and has decided, in consultation with the High Court, to raise the jurisdiction of the Presidency Small Cause Court to Rs. 3,000.

It has also been decided, in view of the impending separation of the Judiciary from the Executive, that the list of holidays and vacations to be observed by the Presidency Small Cause Court should be determined by the High Court. The Bill is intended to give effect to these decisions.

Dated the 27th May 1952. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 2nd June 1952.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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L. A. BILL No. XVI OF 1952.

A Bill to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 26th June 1952.)

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

XV of 1882.

1. (*1*) This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1952. Short title and commencement.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

2. In section 18 of the Presidency Small Cause Courts Act, 1882 (hereinafter called the said Act), for the words "two thousand rupees", wherever they occur, the words "three thousand rupees" shall be substituted. Amendment of section 18 of Act XV of 1882.

XV of 1882.

Amendment of section 20 of Act XV of 1882.

3. In section 20 of the said Act, for the words "two thousand rupees", wherever they occur, the words "three thousand rupees" shall be substituted.

Amendment of section 22 of Act XV of 1882.

4. In section 22 of the said Act, in clause (*c*), for the words "two thousand rupees" the words "three thousand rupees" shall be substituted.

Amendment of section 41 of Act XV of 1882.

5. In section 41 of the said Act, for the words "two thousand rupees" the words "three thousand rupees" shall be substituted.

Amendment of section 92 of Act XV of 1882.

6. In section 92 of the said Act, for the words "State Government" the words "High Court" shall be substituted.

Amendment of Fourth Schedule to Act XV of 1882.

7. In the Fourth Schedule to the said Act, the following entries shall be added at the end, namely :—

"2,000	2,100	4 10 0	15 8 0
2,100	2,200	4 12 0	16 0 0
2,200	2,300	4 14 0	16 8 0
2,300	2,400	5 0 0	17 0 0
2,400	2,500	5 2 0	17 8 0
2,500	2,600	5 4 0	18 0 0
2,600	2,700	5 6 0	18 8 0
2,700	2,800	5 8 0	19 0 0
2,800	2,900	5 10 0	19 8 0
2,900	3,000	5 12 0	20 0 0 "

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The pecuniary jurisdiction of the Presidency Small Cause Court is limited to Rs. 2,000 under section 18 of the Presidency Small Cause Courts Act, 1882. It has been suggested that in the present changed circumstances this jurisdiction should be raised to Rs. 3,000. The Provincial Small Cause Courts Act, 1887, was amended recently by Government so as to raise the jurisdiction of the mofussil Small Cause Courts from Rs. 1,000 to Rs. 2,000. Government has also increased the pecuniary jurisdiction of Civil Judges, Junior Division, from Rs. 5,000 to Rs. 10,000. In view of this, Government has accepted the suggestion and has decided, in consultation with the High Court, to raise the jurisdiction of the Presidency Small Cause Court to Rs. 3,000.

It has also been decided, in view of the impending separation of the Judiciary from the Executive, that the list of holidays and vacations to be observed by the Presidency Small Cause Court should be determined by the High Court. The Bill is intended to give effect to these decisions.

Dated the 27th May 1952. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XVI OF 1952,]

(As read for the third time and passed by the Legislative Assembly on the 26th June 1952.)

A Bill to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

[Shri MORARJI DESAI, M.L.A.]

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The

Bombay Government Gazette

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FRIDAY, 29TH AUGUST 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

PAGES

BOMBAY ACT No. XVII OF 1952—An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay 65-66

The following Act of the Bombay Legislature having been assented to by the President on the 22nd August 1952 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XVII OF 1952.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 29th August 1952.)

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1952.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

XV of 1882.

Amendment of section 18 of Act XV of 1882.

2. In section 18 of the Presidency Small Cause Courts Act, 1882 (hereinafter called the said Act), for the words "two thousand rupees", wherever they occur, the words "three thousand rupees" shall be substituted.

Amendment of section 20 of Act XV of 1882.

3. In section 20 of the said Act, for the words "two thousand rupees", wherever they occur, the words "three thousand rupees" shall be substituted.

Amendment of section 22 of Act XV of 1882.

4. In section 22 of the said Act, in clause (*c*), for the words "two thousand rupees" the words "three thousand rupees" shall be substituted.

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2,300	2,400	5 0 0	17 0 0
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2,700	2,800	5 8 0	19 0 0
2,800	2,900	5 10 0	19 8 0
2,900	3,000	5 12 0	20 0 0"

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.